



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

JUL 17 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Article No.: 7014 1200 0000 6122 6125

Mr. Vinay Patel
President
Enviro Science Technologies, Inc.
15785 Keeler Terrace
Olathe, Kansas 66062

RE: Enviro Science Technologies, Inc.
EPA Docket No.: FIFRA-07-2018-0208
Demand for Stipulated Penalties

Dear Mr. Patel:

This letter serves as the formal demand that Enviro Science Technologies, Inc. (EST) pay stipulated penalties in the above referenced matter.

On May 1, 2018, the U.S. Environmental Protection Agency and Enviro Science Technologies, Inc. entered into a Consent Agreement and Final Order which called for payment of a penalty along with performance of a Supplemental Environmental Project. The first deliverable, as required by the SEP, was the Final Audit Report. The Final Audit Report was due thirty (30) days after the effective date, or May 30, 2018. Despite multiple contacts from the EPA, the Final Audit Report was not received by the EPA until July 26, 2018. This results in 56 days of stipulated penalties. Pursuant to Paragraph 65(a)(iv) of the CAFO, the stipulated penalty for failing to submit the Final Audit Report is \$100 for each day after the report was originally due until the report is submitted. Accordingly, the stipulated penalty for failing to timely submit the Final Audit Report is \$5,600.

On October 2, 2018, the EPA sent the enclosed letter indicating that the SEP Completion Report was due to the EPA on January 7, 2019. From December 22, 2018 through January 25, 2019, the EPA was shut down due to a lapse of appropriations. However, during that time period, the SEP Completion Report was not provided to the EPA by email or first-class mail. On January 28, 2019 and March 5, 2019, the EPA sent the enclosed e-mails indicating the SEP Completion Report was late and needed to be submitted immediately. The EPA issued the enclosed March 11, 2019 letter requiring the Report be submitted. The Final SEP Completion Report was mailed March 19, 2019 and received by the EPA on March 20, 2019.

On April 9, 2019, the EPA disapproved the SEP Completion Report pursuant to Paragraph 65(a)(iii) of the May 1, 2018 Consent Agreement and Final Order. The issues related to the SEP Completion Report which were identified in that letter were resolved and an Amended SEP Completion Report was

received by the EPA on May 16, 2019. By this letter, the EPA is approving the Amended SEP Completion Report.

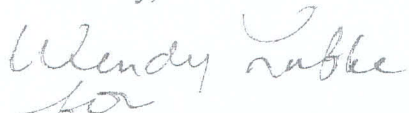
The EPA has determined that the applicable accrual period for failure to submit a Completion Report is 51 days. Pursuant to Paragraph 65(a)(iii) of the CAFO, the stipulated penalty for failing to submit the SEP Completion Report is \$250 for each day after the report was originally due until the report is submitted. Accordingly, the stipulated penalty for failing to timely submit the SEP Completion Report is \$12,750.

According to Paragraph 65(d) of the CAFO, a total stipulated penalty in the amount of \$18,350 is due within fifteen (15) days your receipt of this letter. Instructions for the payment can be found in Paragraphs 48 and 49 of the CAFO. Interest and late charges shall be paid as stated in Paragraph 50.

As stated in Paragraph 65(e), nothing in the CAFO shall be construed as prohibiting, altering or in any way limiting the ability of the EPA to seek any other remedies or sanctions available by virtue of EST's violation of the CAFO or of the statutes and regulations upon which the agreement is based, or for EST's violation of any applicable provision of law.

Your immediate attention to this matter is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wendy Lubke".

DeAndre Singletary, Acting Director
Enforcement and Compliance Assurance Division

Enclosures (3)

cc: Mr. Mark Leshner, EPA (via e-mail)
Ms. Kelley Catlin, EPA (via e-mail)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

OCT - 2 2018

VIA E-MAIL

Mr. Michael Fischer, Esq.
Payne & Jones
11000 King, P.O. Box 25625
Overland Park, Kansas 66225

RE: Enviro Science Technologies, Inc.
EPA Docket No.: FIFRA-07-2018-0208
Supplemental Environmental Project – Final Audit Report

Dear Mr. Fischer:

The U.S. Environmental Protection Agency acknowledges receipt of the Final Audit Report, dated May 31, 2018, and received by EPA on July 26, 2018. The Report was submitted by Mandava Associates on behalf of Enviro Science Technologies. The EPA has observed that ESTs website was deleted at the advice of Mandava Associates. At last review, EPA observed compliance issues associated with pesticidal claims made for unregistered products and compliance issues associated with plant growth regulators. EPA did not conduct a complete review, but expects that these compliance issues to be resolved when the final SEP Report is submitted.

According to the CAFO the Final SEP Report is due eight (8) months after the effective date, or January 1, 2019. Because that is a holiday, EPA will push the due date to **January 7, 2019**. Please ensure all requirements of the CAFO are met and that the Final SEP Report meets the requirements set forth in Paragraphs 57-61.

If you have any questions or wish to discuss this matter further, please contact me at (913) 551-7110. Thank you for your cooperation.

Sincerely,

Kelley Catlin
Assistant Regional Counsel

cc: Mr. Vaney Patel, EST (via e-mail)
Mr. Madhu Mandava, Mandava Associates, LLC (via e-mail)
Mr. Mark Leshner, EPA (via e-mail)



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Catlin, Kelley

From: Catlin, Kelley
Sent: Monday, January 28, 2019 8:37 AM
To: Madhu Mandava
Subject: RE: SEP Final Audit Report

Good Morning, Mr. Mandava. As you know our office was closed during the government shutdown. I have reviewed my emails and do not have a copy of the final SEP Report. Did you send it via FEDEX?

Thank you, Kelley

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

Phone: (913)551-7110
catlin.kelley@epa.gov

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From: Madhu Mandava <Madhu@mandava.com>
Sent: Monday, January 07, 2019 2:50 PM
To: Catlin, Kelley <Catlin.Kelley@epa.gov>
Subject: RE: SEP Final Audit Report

Dear Kelly,

I am going to attempt to send the SEP Final Audit report within the next hour. The file is large and hopefully it will transmit, otherwise I will need send via FEDEX. Is the Agency accepting deliveries.

Regards,

Madhu Mandava
Vice-President
Mandava Associates, LLC
4975 Preston Park Boulevard
Suite 785W
Plano, TX 75093
469-331-8390
www.mandava.com

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From: Catlin, Kelley [<mailto:Catlin.Kelley@epa.gov>]
Sent: Tuesday, October 02, 2018 7:56 AM
To: 'Michael J. Fischer'
Cc: Madhu Mandava; 'EST Inc'; Leshner, Mark
Subject: EST: SEP Final Audit Report

All – please see the attached letter. Thank you, Kelley

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

Phone: (913)551-7110
catlin.kelley@epa.gov

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Catlin, Kelley

From: Catlin, Kelley
Sent: Tuesday, March 05, 2019 9:54 AM
To: Madhu Mandava; 'EST Inc'; 'Michael J. Fischer'
Subject: Response Required: SEP Final Audit Report

EPA has not received the SEP final audit report. This is past due.

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

Phone: (913)551-7110
catlin.kelley@epa.gov

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From: Catlin, Kelley
Sent: Monday, March 04, 2019 1:48 PM
To: 'Madhu Mandava' <Madhu@mandava.com>
Subject: RE: SEP Final Audit Report

We have not received this.

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

Phone: (913)551-7110
catlin.kelley@epa.gov

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From: Madhu Mandava <Madhu@mandava.com>
Sent: Monday, February 04, 2019 1:20 PM

To: Catlin, Kelley <Catlin.Kelley@epa.gov>
Subject: RE: SEP Final Audit Report

Ms. Catlin,

I sent the report via commercial delivery and I will send you a copy of only the SEP final audit report without attachments via e-mail for your reference.

Regards,

Madhu Mandava
Vice-President
Mandava Associates, LLC
4975 Preston Park Boulevard
Suite 785W
Plano, TX 75093
469-331-8390
www.mandava.com

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From: Catlin, Kelley [mailto:Catlin.Kelley@epa.gov]
Sent: Wednesday, January 30, 2019 2:23 PM
To: Madhu Mandava
Subject: RE: SEP Final Audit Report

Mr. Mandava,

Thank you for your voicemail message. Please go ahead and send the report via commercial delivery rather than email if you haven't already.

Thank you, Kelley

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

Phone: (913)551-7110
catlin.kelley@epa.gov

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Regards,

Madhu Mandava
Vice-President
Mandava Associates, LLC
4975 Preston Park Boulevard
Suite 785W
Plano, TX 75093
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Sent: Tuesday, October 02, 2018 7:56 AM
To: 'Michael J. Fischer'
Cc: Madhu Mandava; 'EST Inc'; Leshner, Mark
Subject: EST: SEP Final Audit Report

All – please see the attached letter. Thank you, Kelley

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
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Lenexa, KS 66219

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

MAR 11 2019

VIA E-MAIL AND CERTIFIED MAIL

Mr. Michael Fischer, Esq.
Payne & Jones
11000 King, P.O. Box 25625
Overland Park, Kansas 66225

RE: Enviro Science Technologies, Inc.
EPA Docket No.: FIFRA-07-2018-0208
Final Supplemental Environmental Project Report

Dear Mr. Fischer:

On October 2, 2019, the U.S. Environmental Protection Agency emailed you the attached letter regarding the Supplemental Environmental Project being completed by your client, Enviro Science Technologies, Inc., in settlement of alleged violations of the Federal Insecticide, Fungicide, and Rodenticide Act. The letter stated that the Final SEP Report for the subject matter was due on January 7, 2019. It also indicated that EPA observed compliance issues on EST's website associated with pesticidal claims made for unregistered products, and compliance issues associated with plant growth regulators. EPA was clear that it expected these compliance issues to be resolved when the Final SEP Report was submitted.

The Final SEP Report is now delinquent. This is a violation of the Consent Agreement and Final Order. According to the Consent Agreement and Final Order, EST is subject to a stipulated penalty of \$250 per day each day the Final SEP Report is late. Not including time that the EPA was subject to the lapse of appropriations in December 2018-January 2019, as of January 28, 2019, stipulated penalties of \$10,500 have accrued. These penalties will continue to accrue until the Final SEP Report is provided to EPA.

A **hard copy** of the complete Final SEP Report shall be received by EPA by **Monday, March 18**. EPA may seek to recover stipulated penalties at any time.

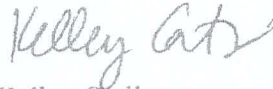
Additionally, EPA recently reviewed EST's webpage, which still contains pesticidal claims made for unregistered products and compliance issues associated with plant growth regulators. We are concerned that these compliance issues have not been resolved. EPA reserves the right to calculate additional stipulated penalties associated with this non-compliance, pursuant to Paragraph 66(a)(vi) of the Consent Agreement and Final Order, and/or to follow up with this ongoing non-compliance at a future date.



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We urge EST to take quick action to address this matter by completing the Final SEP Report and resolving all noncompliant statements on its website. If you have any questions or wish to discuss this matter further, please contact me at (913) 551-7110. Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kelley Catlin". The signature is fluid and cursive, with the first name "Kelley" being more prominent than the last name "Catlin".

Kelley Catlin
Assistant Regional Counsel

cc: Mr. Vaney Patel, EST (via e-mail)
Mr. Madhu Mandava, Mandava Associates, LLC (via e-mail)
Mr. Mark Leshner, EPA (via e-mail)

